



City of West Allis

Legislation Text

File #: R-2007-0089, **Version:** 1

Resolution relative to determination of Special Use Permit amendment to construct a mixed-use building, to be located at 725-29 S. 84 St. (Tax Key No. 442-0316-000)

WHEREAS, Mike Lillge, owner, duly filed with the City Administrative Officer-Clerk/Treasurer an application for a special use permit, pursuant to Sec. 12.41(2), Sec. 12.49 and Sec. 12.16 of the Revised Municipal Code, to expand upon an existing, mixed-use building by constructing a mixed-use addition with a commercial first floor and two residential units on the second floor to the property located at 725-29 S. 84 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on March 20, 2007, at 7:00 p.m., in the Common Council Chambers to consider the application; and,

WHEREAS, the Common Council, having carefully considered the evidence presented at the public hearing and the following pertinent facts noted:

1. The applicant, Mike Lillge, owner, has offices at 5781 Fern Ct., Greendale, WI 53129.
2. The applicant owns the property at 725-29 S. 84 St., West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

All the land of the owner being located in the Southwest $\frac{1}{4}$ of Section 33, Township 7 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:

Commencing at the southeast corner of Lot 1 in Block 11 of the Assessment Subdivision No. 71; thence Westerly, 179.00 feet, along centerline of West McMyron Street; thence Northerly, 30.00 feet to the north right-of-way line of said street and Point of Beginning; thence continue Northerly, 138.05 feet; thence Easterly, 146.00 feet, to the west right-of-way line of South 84th Street; thence Southerly, 138.20 feet, along said west line to the north right-of-way line of West McMyron Street; thence Westerly, 146.00 feet, along said north line to the Point of Beginning.

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Said land is located at 725-29 S. 84 St.

3. The applicant is proposing to construct a mixed-use addition consisting of 2 townhouses on the second floor (2-bedroom units) and a 1,776 sq. ft. 3-bay commercial space on the first floor for a possible auto-related occupancy and storage. The future tenant will be required to obtain Common Council approval of a special use permit if one is necessary.
4. The aforesaid premises is zoned C-2 Neighborhood Commercial District under the Zoning Ordinance of the City of West Allis, which permits mixed residential and commercial uses as a special use, pursuant to Sec. 12.41(2), Sec. 12.49 and Sec. 12.16 of the Revised Municipal Code.
5. The subject property is located on the northwest corner of S. 84 St. and W. McMyron St. Properties to the south and west are developed as residential, properties to the north are developed as residential and commercial and properties to the east are developed as Wisconsin State Fair Park.

6. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area as the site is currently used as an automotive repair facility.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Mike Lillge, owner, to expand upon an existing mixed-use building by constructing a mixed-use residential and commercial building expansion (two-unit townhouse and first floor commercial space) on the existing, mixed-use building, be, and is hereby granted on the following grounds:

That the establishment, maintenance and operation of the proposed use, with the imposition of certain conditions hereinafter set forth, reasonably satisfies the standards set forth in Sec. 12.41(2), Sec. 12.49 and Sec. 12.16 of the Revised Municipal Code, so as to permit the issuance of a special use permit as therein provided.

BE IT FURTHER RESOLVED that said special use permit is granted subject to the following conditions:

1. Site, Landscaping, Screening and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape, screening and architectural plans approved on September 29, 2005 and February 28, 2007, by the City of West Allis Plan Commission as provided in Sec. 12.13 of the Revised Municipal Code of the City of West Allis. No alteration or modification of the approved plan shall be permitted without approval by the Plan Commission.
2. Commercial Occupancy. The future commercial lease space on the first floor will be required to obtain an occupancy permit (s) and, depending upon the use, may be subject to obtaining special use approval before the Common Council (per Sec. 12.41(2) of the Revised Municipal Code).
3. Off-street Parking. Off-street parking for 11 vehicles is required for the residential component of the development (existing residential units require 7 parking spaces; proposed residential expansion units require 4 parking spaces). Existing auto repair uses require 12 parking spaces, existing storage requires 1 parking space, and existing office requires 3 parking spaces, for a total of 27 required parking stalls. The site provides 23 on-site parking spaces. Additional parking will be required for the future commercial lease space on the first floor in accordance with Sec. 12.19 of the Revised Municipal Code. (For example, if an automotive use leases the first floor of the new addition, a total of 12 parking spaces will be required for that tenant.)
4. Commercial Business Operations. The exchange of engines or transmissions shall not be permitted on site.
5. Litter. Employees shall inspect the site and immediate vicinity and pick up litter on a daily basis.
6. Refuse Collection. Refuse collection to be provided by commercial hauler and stored within a four-sided enclosure large enough for all outdoor storage of refuse and recyclable containers.
7. Marketing Displays. The use of pennants, special lighting, flags, streamers or other signage typically temporary in nature, hanging, floating or attached to a structure or vehicle shall not be permitted.
8. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.
9. Monitoring. The area shall be adequately monitored by staff.
10. Window Signage. Any building window signage shall not exceed twenty (20) percent of each window's area
11. Building Plans and Fire Codes. The grant of this special use is subject to building plans being submitted to and approved by the Department of Building Inspections and Zoning and by the Fire Department.
12. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light splays from the property boundaries.
13. Sidewalk Repair. The grant of this special use is subject to compliance with Policy No. 2806 of the Revised Municipal Code relative to the City's sidewalk improvement policy as it relates to damaged (if any), abutting sidewalk.
14. Expiration of Special Use Permit. Any special use approved by the Common Council shall lapse and become null and void one (1) year from and after that approval if the use has not commenced, construction is not underway, or the owner has not obtained a

valid building permit. An extension of these time limitations may be granted without a public hearing by the Common Council by resolution reauthorizing the special use in accordance with the following criteria:

- A. The applicant requesting the extension shall complete a planning application available from the Department of Development and shall submit a \$250.00 extension fee.
- B. A written explanation for the extension of time shall accompany the planning application along with a timeline/schedule for obtaining necessary permits, zoning, state and municipal approvals and a target date for construction start;
- C. The request for extension shall be submitted within sixty (60) days of the expiration of the special use permit;
- D. The extension, if granted, shall be valid for a period of six (6) months. If no building permit has been issued and construction has not commenced within six (6) months from and after the extension has been granted, the special use shall become null and void.

15. Miscellaneous.

- A. Applicants are advised that the foregoing conditions are reasonably necessary to protect the public interest and to secure compliance with the standards and requirements specified in Sec. 12.16 of the Revised Municipal Code; that the issuance of the special use is expressly subject to compliance with said conditions.
- B. The use, as granted herein, is subject to applicants' compliance with all other state and local laws and regulations which may be applicable to the proposed use of the real estate in question.
- C. The special use, as granted herein, shall run with the land and benefit and restrict all future owners and occupants of the property, unless the use shall lapse or be terminated and the use will not be altered or extended (including structural alterations and/or additions) without the approval of the Common Council, following public hearing, all as provided in Sec. 12.16 of the Revised Municipal Code.

Mailed to applicant on the
_____ day of _____ 2007

Assistant City Clerk

cc: Dept. of Development
Dept. of Building Inspections and Zoning
Div. of Planning

ZON-R-601-dlm-3-20-07